

WILLIAM J. PENNINGTON, III  
Attorney at Law  
5519 Rockingham Road-East  
Greensboro, NC 27407  
(910) 299-5257

RECEIVED  
DEC 12 1994

FCC MAIL ROOM

December 10, 1994

DOCKET FILE COPY ORIGINAL

William F. Caton Acting Secretary  
Federal Communications Commission  
1919 M Street, NW  
Washington, DC 20554

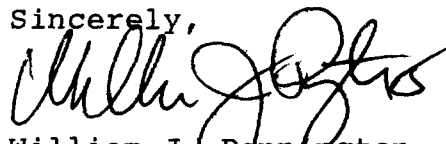
RE: Petition for Rule Making and Order to Show Cause

Dear Mr. Caton:

Transmitted herewith, on behalf of Texarkana Broadcasting, Inc., is an original and four (4) copies of a Petition for Rule Making and Order to Show Cause.

Should there be any questions regarding this matter, please do not hesitate to contact the undersigned.

Sincerely,



William J. Pennington, III  
COUNSEL FOR TEXARKANA BROADCASTING, INC.

Enc.  
WJP/tlt

No. of Copies rec'd  
List A B C D E

044

Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, DC 20554

RECEIVED

FEB 12 1994

FCC MAIL ROOM

In the Matter of )  
 )  
Amendment of Section 73.202(b) ) MM Docket No.  
FM Table of Allotments ) RM-  
Hooks and Sulphur Springs, Texas )

To: Chief, Policy and Rules Division

PETITION FOR RULE MAKING AND ORDER TO SHOW CAUSE

Texarkana Broadcasting, Inc. (hereinafter "TBI"), licensee of Station KLLI(FM) at Hooks, Texas, by its attorney, respectfully requests that the Commission amend Rule 73.202(b), the FM Table of Allotments, to (i) substitute Channel 240C2 for Channel 240C3 at Hooks, Texas and modify the license of Station KLLI(FM) accordingly, and (ii) substitute Channel 260A for Channel 240A at Sulphur Springs, Texas and modify the license of Station KDXE(FM) accordingly to specify operation on the new channel. Additionally, TBI requests that the Commission issue an Order to Show Cause why the licensee of Station KDXE(FM) at Sulphur Springs should not be made to change frequencies to allow the proposed upgrade sought herein at Hooks.

In support of this allocation request, the following information is respectfully submitted:

1. As is demonstrated in attached Exhibit 1, Channel 240C2 may be substituted for Channel 240C3 at Hooks at the petitioners

desired coordinates if the above mentioned channel substitution is made at Sulphur Springs. The petitioners present antenna site can not be utilized for Class C2 operation as it would be short spaced to the existing operation of Station KBYB(FM) on FM Channel 241C1 at El Dorado, Arkansas. The petitioner's desired antenna site is located 7.0 kilometers west northwest of Hooks.

2. Exhibit 2 shows that Channel 260A may be substituted for Channel 240A at Sulphur Springs at the present KDXE(FM) antenna site. Station KDXE(FM) is presently a party to Rule Making Docket Number 91-172. As part of that docket, it has been proposed that Channel 260A be substituted for Channel 240A at Sulphur Springs and the facilities of Station KDXE(FM) be modified accordingly. The proposed substitution of Channel 260A for Channel 240A in the instant rule making does not impact MM Docket No. 91-172 in any manner. In fact, the proposed substitution at Sulphur Springs may well enhance the possibility that an agreement can be reached that would lead to a speedy resolution of MM Docket No. 91-172.

4. Although use of Channel 260A at the KDXE(FM) antenna site might first appear to be short spaced to the utilized antenna site of Station KGRI(FM) at Henderson, Texas on Channel 260C3, there is in reality no problem with the proposed allocation. Station KGRI(FM) operates from an antenna site short spaced to the proposed allocation point for Channel 260A at Sulphur Springs by utilization of Section 73.215 of the Commission's Rules, whereby Station KGRI(FM) provides contour

protection to the proposed allocation site for Channel 260A at Sulphur Springs. The use of Channel 260A at Sulphur Springs is properly spaced with the geographic coordinates where Channel 260C3 was allocated to Henderson. Those coordinates are North Latitude 32-01-20, West Longitude 94-52-58.

3. TBI agrees to reimburse the licensee of KDXE(FM) for the reasonable and prudent expenses associated with the proposed substitution of Channel 260A for Channel 240A at Sulphur Springs.

4. The allotment of Channel 240C2 to Hooks, and the modification of Station KLLI(FM)'s license to specify operation thereon, will permit the station to serve a much larger area, thereby increasing the number of broadcast signals available to the public in the given area and thus promoting efficient use of the spectrum. The Commission has determined that expanded service to the public and spectrum efficiency provide specific public benefits. See Report and Order in MM Docket No. 85-313, 60 RR 2d 114, 118 (1986). Thus, this proposal would service the public interest.

5. If Channel 240C2 is substituted for Channel 240C3 at hooks, the permissible antenna site area for KLLI(FM) operating on Channel 240C2 would be ample. The area where an antenna could be located is close enough so that a station operating on Channel 240C2 should have no difficulty placing a 70 dBu service contour over the entire community of Hooks. Complete line of sight coverage would also be provided the community of Hooks.

6. Because Channel 240C2 would not be available to a third

party for use at Hooks, KLLI(FM)'s license may be modified to specify operation on the higher class channel pursuant to Rule 1.420(g). Upon a grant of this request, TBI will proceed promptly with filing an application seeking the upgraded facilities for KLLI(FM), and when granted the construction permit, immediately construct the upgrade.

THEREFORE, based on the foregoing, Texarkana Broadcasting, Inc. hereby respectfully requests that the Commission modify its FM Table of Allotments to (i) substitute Channel 240C2 for Channel 240C3 at Hooks, Texas and modify the license of Station KLLI(FM) accordingly, and (ii) substitute Channel 260A for Channel 240A at Sulphur Springs, Texas and modify the license for Station KDXE(FM) accordingly to specify operation on the new frequency, and (iii) issue an Order to Show Cause why the licensee of KDXE(FM) should not be made to change frequencies to allow for the upgrade in the facilities of KLLI(FM).

Respectfully submitted,

**TEXARKANA BROADCASTING, INC.**

By: 

William J. Pennington, III  
Its Attorney

5519 Rockingham Road-East  
Greensboro, NC 27407  
(910) 299-5257

December 10, 1994

Exhibit 1

CHANNEL SPACING STUDY

**Hooks, Texas**

REFERENCE  
33-30-00 N  
94-21-00 W

CLASS C2

-----CHANNEL 240 - 95.9 MHz.-----

CALL	CH#	CITY	STATE	BEAR'	D-KM	R-KM	MARGIN
KBYB	241C	El Dorado	AR	99.1	159.54	158.0	1.54
ADD	239A	Winnsboro	LA	235.5	109.15	106.0	3.15
KKTX-FM	241C2	Kilgore	TX	198.9	133.63	130.0	3.63
KMTB(CP)	237A	Murfreesboro	AR	36.4	76.07	55.0	21.07
KKUZ-FM	240C2	Sallisaw	OK	351.6	213.86	190.0	23.86
ALLOC	238A	Stamps	AR	101.0	80.52	55.0	25.52
APP	238A	Stamps	AR	97.6	80.75	55.0	25.75
KVKI-FM	243C1	Shreveport	LA	155.5	110.39	79.0	31.39
ADD	239A	Minden	LA	134.0	138.71	106.0	32.71
KMTB	237A	Murfreesboro	AR	42.7	89.87	55.0	34.87
KSSN	239C	Little Rock	AR	49.9	223.94	188.0	35.94
KCKL	240A	Malakoff	TX	225.4	213.63	166.0	47.63

CHANNEL SPACING STUDY ASSUMES THAT KDXE(FM) AT SULPHUR SPRINGS, TEXAS IS OPERATING ON CHANNEL 260A

CHANNEL SPACING STUDY**Sulphur Springs, Texas**

REFERENCE  
33-09-07 N  
95-36-12 W

CLASS A

-----CHANNEL 260 - 99.9 MHz.-----

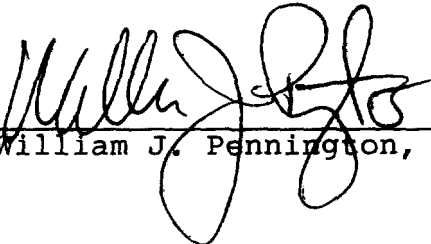
CALL	CH#	CITY	STATE	BEAR'	D-KM	R-KM	MARGIN
KGRI-FM	260C3	Henderson	TX	146.4	136.46	142.0	-5.54**
ALLOC	260C3	Henderson	TX	151.6	142.35	142.0	0.35
KTCS-FM	260C	Fort Smith	AR	21.8	229.39	226.0	3.39
WACO-FM	260C	Waco	TX	218.6	257.60	226.0	31.60
KPYN(CP)	261C2	Atlanta	TX	85.4	141.77	106.0	35.77
KJMZ	262C	Dallas	TX	243.8	142.37	95.0	47.37
KPLX	258C	Ft. Worth	TX	243.8	143.16	95.0	48.16
KTSH(CP)	259C3	Tishomingo	OK	317.8	154.93	89.0	65.93

THE KGRI-FM LICENSED ANTENNA SITE IS SHORT SPACED TO THE PROPOSED ALLOCATION OF CHANNEL 260A TO SULPHUR SPRINGS (THE PRESENT KDXE(FM) SITE). KGRI-FM UTILIZED THE CRITERIA SET FORTH IN SECTION 73.215 OF THE COMMISSION'S RULES TO SHORT SPACE TO THE SULPHUR SPRINGS ALLOCATION POINT AND PROVIDE CONTOUR PROTECTION.

**CERTIFICATE OF SERVICE**

I, William J. Pennington, III, do hereby certify that on this 10th day of December, 1994, I have caused to be mailed, first class, postage prepaid, a copy of the foregoing "**PETITION FOR RULE MAKING AND ORDER TO SHOW CAUSE**" to the following:

KDXE Radio  
Community Service Radio Group  
Post Office Box 564  
Sulphur Springs, TX 75482  
**LICENSEE OF KDXE(FM)**

  
\_\_\_\_\_  
William J. Pennington, III